

Message Text

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43

ACTION EUR-25

INFO OCT-01 ISO-00 L-03 SP-03 SAJ-01 CIAE-00 INR-10

NSAE-00 RSC-01 DRC-01 /045 W
----- 027259

R 141515Z JUN 74

FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 9870
INFO AMEMBASSY BONN
AMCONSUL LENINGRAD
USMISSION BERLIN

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E.O. 11652 N/A

TAGS: PFOR, GE, UR, US

SUBJ: GDR NOTE RE DUERER PAINTINGS

REFS: A. STATE 126098 B. MOSCOW 9115

1. GDR FIRST SECRETARY HELMUT SCHOLZ AND ATTACHE HELMUT ZELMER VISITED EMBASSY JUNE 14 TO PRESENT NOTE FOR GDR MFA TO DEPARTMENT REQUESTING RETURN OF TWO DUERER PAINTINGS. NOTE IS IN GERMAN WITH ACCOMPANYING ENGLISH TRANSLATION. BRIEF EMBASSY-TO-EMBASSY COVERING NOTE IS IN GERMAN WITH ACCOMPANYING RUSSIAN TRANSLATION. ORIGINALS OF ALL FOUR BEING POUCHED EUR/CE.

2. TEXT OF MFA'S NOTE AS FOLLOWS: (COMPLIMENTARY BEGINNING AND CLOSING OMITTED): BEGIN TEXT. TWO PAINTINGS BY ALBRECHT DUERER, "PORTRAIT OF HANS TUCHER" AND "PORTRAIT OF FELICITAS TUCHER", WERE PURLOINED FROM THE ART COLLECTIONS OF WEIMAR AT THE END OF JUNE 1945, WHEN US TROOPS WERE PRESENT THERE. THESE PAINTINGS REAPPEARED IN THE UNITED STATES LATE IN 1945 OR EARLY IN 1946 AND A NEW YORK LAWYER, MR. ELICOFON, PURCHASED THEM *9.500#DOLLARS AS HE STATED TO THE PRESS AT THE TIME. IT IS ON RECORD THAT FOR MORE THAN A HUNDRED YEARS THESE PAINTINGS

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HAD THEIR PERMANENT AND TRADITIONAL LOCATION AT WEIMAR

AND THAT THEY ARE PROPERTY OF THE WEIMAR ART COLLECTIONS.
AFTER THE PAINTINGS WERE FOUND TO BE IN THE POSSESSION
OF MR. ELICOFON THE ART COLLECTIONS OF WEIMAR HAVE
THEREFORE APPEALED TO AMERICAN COURTS SINCE 1969 FOR
RETURN OF THIS CULTURAL PROPERTY. THE DECISION OF THE
SUPREME COURT OF THE UNITED STATES OF AMERICA OF
18 FEBRUARY 1974, PURPORTING THAT THE ART COLLECTIONS
OF WEIMAR WERE AN INSTITUTION OF A STATE NOT RECOGNIZED
BY THE UNITED STATES OF AMERICA AND COULD THEREFORE NOT
SUE BEFORE COURTS OF THE UNITED STATES OF AMERICA, DEPRIVED
THE ART COLLECTIONS OF WEIMAR OF THEIR RIGHT TO HAVE
FURTHER PROCEEDINGS INSTITUTED TO ASSERT THEIR LEGITIMATE
CLAIM. IN ACCORDANCE WITH THE LONG-STANDING PRACTICE OF
INTERNATIONAL LAW REGARDING THE PROTECTION OF CULTURAL
PROPERTY AGAINST DESTRUCTION, DAMAGE AND SEIZURE AND
UNDER THE CONVENTION FOR THE PROTECTION OF CULTURAL
PROPERTY IN THE EVENT OF ARMED CONFLICT OF
14 MAY 1954, THE MINISTRY OF FOREIGN AFFAIRS OF THE GERMAN
DEMOCRATIC REPUBLIC, ON BEHALF OF THE GOVERNMENT OF
THE GERMAN DEMOCRATIC REPUBLIC, REQUESTS THE GOVERNMENT
OF THE UNITED STATES OF AMERICA TO TAKE THE NECESSARY
STEPS TO BRING ABOUT THE RETURN OF THE ABOVE-MENTIONED
PAINTINGS TO THEIR HISTORICAL LOCATION, THE
ART COLLECTIONS OF WEIMAR. END TEXT.

3. EMBOFF RESPONDED PER REF A.STOESSEL

NOTE BY OC/T: #AS RECEIVED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ARTS, DIPLOMATIC NOTES, TRANSLATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MOSCOW09188
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740155-0275
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740644/aaaablwe.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. STATE 126098 B. MOSCOW 9115
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 08 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 MAY 2002 by martinml>; APPROVED <21 FEB 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GDR NOTE RE DUERER PAINTINGS
TAGS: PFOR, GC, UR, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005